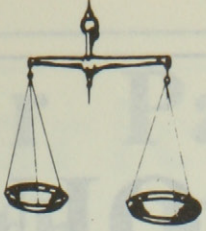


# Quid Novi



VOL. VII NO. 6

MCGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT UNIVERSITE MCGILL

October 22, 1986  
le 22 octobre 1986

## Nuclear Waste: Threat or Menace?

by Charles O'Brien  
and Todd Robinson

Gordon Edwards' discussion of nuclear waste, presented October 8th by McGill's Lawyers for Social Responsibility, was both informative and frightening. Mr. Edwards outlined the present situation: 150 million tons of low grade uranium trailings lie scattered about the country slowly irradiating us; no viable means of disposal for the super-hot cores of nuclear reactors exists; the time production costs of nuclear power (i.e. including disposal and environmental damage) far exceed its selling price; and our government is covering up what they know to be a multi-billion dollar policy error -- our nuclear programme.

### QUOTES OF THE WEEK

Prof. Foster explaining life estates and estates pur autre vie.

"The critical thing is that the child would have to be born before the wife died."

Most urgent is the management of the plutonium "bundles" removed from reactors. This high level radioactive waste remains toxic in the environment for hundreds of thousands of years. The proposed disposal method, burying this deadly material in vacant mineshafts, can only guarantee isolation from the eco-system for forty years. A leak of these materials would cause absolute devastation. Think Chernobyl... Think again...

As the presentation continues the audience begins to appreciate the gravity of the situation. They wait for the proposal of a solution. None is offered. Mr. Edwards states quite bluntly that no solution exists at present. So we have a devastating problem but no quick fix. Edwards alternatively proposes three steps for keeping poisons out of the environment:

1) Until you have a viable solution, leave nuclear wastes on the surface where they can be monitored. Once buried they cannot be retrieved (out of sight is not out of eco-system).

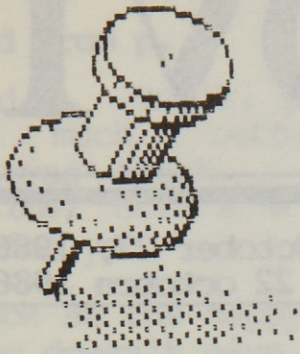
- 2) Stop producing these wastes. This entails saying "no" to nuclear energy and curtailing the mining of uranium in mass quantities.
- 3) Get on with research and development of viable disposal techniques.

All three of these suggestions are based on a fundamental principle embodied by Mr. Edwards: information dissemination. The principal problem is Canadian and world apathy towards the environment (among others). This is in part due to an explicit government policy in favour of nuclear power - which implies that all its good points are stressed and its bad points brushed under the Canadian shield.

Edwards puts nuclear waste into a broader perspective. It is a problem, like militarism and poverty, which exists on an unprecedented scale. Like these others, it is global problem which demands a solution on an equally vast scale. That solution demands a change in consciousness -- we must

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# ANNOUNCEMENTS

## LSR Conference

Witness the dark, chilly common room turn into a sixties-style coffehouse, Wednesday, October 22 from 7 P.M. to midnight. Law faculty musicians will provide live entertainment throughout the evening. Homebaked goods will be served along with beer, wine and coffee. Proceeds will go to charity. Be there!

## BE FOREWARNED!!

Articles and announcements to the Quid Novi must be submitted on or before **1:00 P.M. Thursdays.** Anything submitted after this deadline will not appear in the following week's issue, but in the subsequent edition two weeks later.

## NOTICE

Student groups - including, but not limited to, Forum National, Lawyers for Social Responsibility, Women and the Law, the Sports Committee, Legal Information Research Group, McGill International Law Society - which are interested in applying for funding from the Office of the Dean are requested to submit a detailed budget, complemented with a statement of monies received from the Law Students Association or other sources, to the Dean's Office by November 1 indicating the amount of subvention sought. A decision on these requests can be expected by November 7.

## PARTY

There will be a party at Club Jodees, Thursday, October 23, 1986 at 9 P.M. (2025 Drummond, near De Maisonneuve).

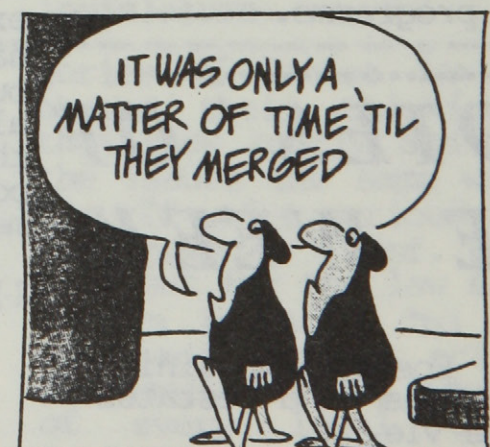
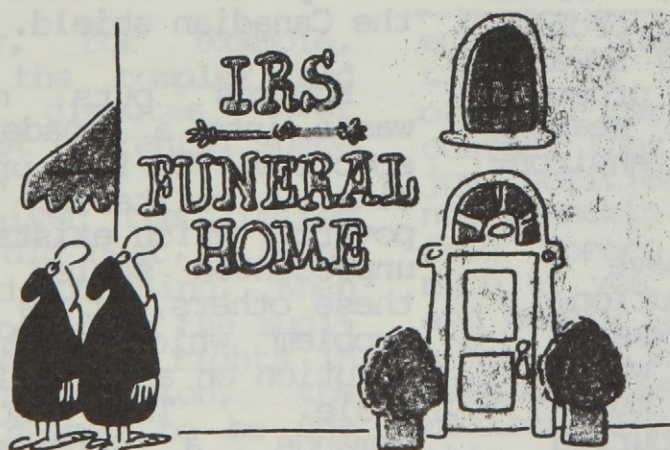
The faculties of Dentistry and Education will be joining us at this party! No cover charge! Door prizes!

See you all there!

Maria Battaglia  
L.S.A. President

## TALMUD CLASS

Every Wednesday  
1:00 P.M.  
Room 203  
Everyone Welcome





# Law Professor Participates in Health Ethics Centre

by Caitlin Kelly  
of The Gazette

When should a doctor stop pumping drugs into a patient about to die?

What do you say - if anything - to the wife of a bisexual man who has just learned he is carrying the virus that helps to cause AIDS?

Should employees working with dangerous chemicals fill out consent forms, as patients do before surgery,

acknowledging the possibility of a risk to their health?

A group of McGill University professors hopes to answer these questions, and many more, with the opening this week of the McGill Centre for Health Sciences, Ethics and the Law.

The first project is a \$615,400 study of the legal, ethical, social and economic issues raised by AIDS in Canada.

Funding for the survey, the first of its kind, will come from the \$39 million in special funds allotted to AIDS in June by federal Health Minister Jake Epp, said law professor Margaret Somerville, director of the new centre.

Her office, with tall shelves filled with texts ranging from the Bible to tort law and studies on child abuse, is evidence of her long involvement with the large and complex area where law, medicine and ethics overlap.

The centre will eventually have a staff of four, including two ethicists and a legal expert, and an annual budget of \$250,000 to \$300,000 - half of it provided by local hospitals, the other half by McGill. In it, Somerville and her colleagues will be able to work full time on the thornier issues facing doctors, nurses, employers, lawyers, patients and legislators across Canada.

The study of AIDS, which Somerville expects will take up to three years, will address such issues as who should have access to tests that show a person is carrying the virus that can cause AIDS.

A continuing issue and one particularly important to patients dying of AIDS, is the use of a document called the "living will" used by terminally ill patients who know in advance they won't be physically or

## EDITORIAL

Every year the problem gets worse. I'm talking about apathy among law students when it comes to participating in extracurricular activities, whether joining a club or merely partaking of some of the activities which clubs offer to the whole faculty. Even our parties aren't well attended. You can argue that you have too much work, that you have to think about getting a job, that you don't feel like getting involved. Keeners and lazy people, the excuses aren't compelling.

Law school should not be considered exclusively as a means to an end. It represents three or four years of your life's experience which you should enjoy as it happens. Joining a club or even catching the odd visiting speaker can enhance your life as a law student. Indeed, if more

students do not take an interest in extracurricular activities, they will spoil it for those that do. With such scant response, many clubs will be forced to curtail their plans, or worse, disband.

Forum National organizes topical conferences with impressive panelists. LSR invites world authorities to the faculty. And nobody shows up. It's embarrassing for both guests and hosts. We at the Quid have appealed for more writers. None have come forward.

What makes McGill's Faculty of Law a much admired institution is the caliber of students, professors and invited speakers it manages to attract. But if current trends persist, our image may have to be recharacterized as one of a hive full of drones.

Reconsult your faculty handbook.

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# LETTERS TO THE EDITOR

Dear Editor,

The new non-smoking rule now in force throughout New Chancellor Day Hall is a blessing to those who do not indulge in tobacco products. As a non-smoker, I am not only free from the rather unpleasant odour of cigarettes; but my health is no longer put in jeopardy by "side-stream" cigarette smoke.

To all those smokers who have gracefully complied with the new no-smoking policy, you have my sincere appreciation. I understand the inconvenience of having to dash down to the Smoker's Lounge in the basement, and I honestly sympathize. Perhaps not being freely permitted to smoke will be a blessing - albeit one in disguise - as you might find yourselves able to "hold out" without a cigarette for increasingly longer time periods. This increased abstinence might lead you to try to kick the habit altogether! If you ever do attempt to quit smoking, I will be happy to offer you any encouragement or incentive that will be of some assistance.

To those smokers - a minority - who have not as yet complied with the no-smoking policy, I ask you to please make an honest effort for the sake of your colleagues. I do not dispute in any way your right to smoke, but I do not believe that you have the right to indirectly offend and cause harm to others via your addiction.

Those of you who do continue to smoke in no-smoking areas are in fact demonstrating contempt for the well being of your peers. Please show some consideration; and when you next need a smoke, step outside, or into Old Chancellor Day Hall, or down to the smoking lounges.

I promise to try to not be such a vigilant, strident advocate or non-smoker's rights if you smokers do try to abstain in No-Smoking areas!

Jay Josefo  
B.C.L. III

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## Nuclear Waste Cont'd from p. 1

step beyond petty nationalism and short-sightedness.

He cites Marshall McLuhan, who described our vision of the world as "looking into the rear-view mirror" of the 19th century. "We are labouring under a series of false mythologies from the past". Nuclear waste is a danger qualitatively different from ones we have faced before. It demands a unified response. To solve these problems we must adjust our values.

Some may call this vision idealistic. Others call it the realism of the future.



# Law American Style

by Norman Provencher

On late-night television in California, there's a lawyer who strides onto the screen with a mountain lion on a chain leash, promising to "pin (the spouse) to the wall," in your divorce action.

In Wisconsin, a wet-suited barrister hauls himself out of a swimming pool to illustrate how he specializes in getting his clients out of hot water.

In New York, a sombre lawyer in a three-piece suit strides into a hospital to present a cheque for damages to his quadriplegic client. The client manages a wan smile.

Until now, Ontario residents have been shielded from this type of salesmanship by the Law Society of Upper Canada, which has forbidden all but business-card-sized print ads with only the names of the members of a law firm.

That goes out the window Jan. 1, when the society follows the example of Manitoba, B.C., Alberta and Nova Scotia and abolishes most rules regarding lawyers' ads and throws the whole matter before the court of truth and good taste.

Lawyers agree that the new rules will benefit consumers, either through competition-driven fee reductions or through increased familiarity with once stand-offish lawyers.

But they seem to be split on the definition of good taste in advertising and what sorts of ads the public is likely to see in

the new year: tacky self-promotion featuring garish American-style come-ones; or staid, public-service-style messages.

"Lawyers will avail themselves of the new regulations, but we're confident that they will remain professional and in good taste," said Kenneth Jarvis, secretary for the Law Society of Upper Canada.

Milton Zwicker, recognized across North America as an expert in the field of law-practice management, has his own comment on good taste pinned to the wall of his Orillia office.

It's a pair of men's briefs with "Milton Zwicker, Attorney at Law," stitched on the seat. For now, Zwicker's briefs are a joke.

"I guess, overall, I'd have to say that anything should go. Law is a business like almost any other, and lawyers are in competition with each other."

"General consumer-protection laws must apply (but) I'm a great believer in laissez-faire in legal ads. Let the public decide what's in good taste, not the (Law Society officers)," Zwicker said.

The Canadian public is smart enough to make decisions, Zwicker said, and will most likely reject examples from his own "file of shame" of tacky ads which have run in U.S. newspapers, like the divorce lawyer who trumpeted "HATE YOUR MATE?" in big black letters in a Chicago daily.

The experience in other Canadian provinces - while nowhere near as distasteful as some of the U.S. ads - doesn't offer much of a clue as to how the Ontario advertisements will develop.

In Manitoba, for example, Bob McRoberts jokes that he has to wear his sunglasses on weekends due to the notoriety brought by his well-known TV ads.

"I'm no Krazy Bob, the Lawyer Guy, like some of the furniture dealers or car salesmen," said McRoberts, who credits advertising in large part for the rapid growth of his practice from a two-man operation in the late 1970s to a 22-lawyer business with offices across Manitoba.

"Our material is tasteful, (but) we've got enough experience now to target them properly," he said.

"In the summer, when everybody's happy and it's nice, we emphasize our real estate practice. In the winter, when the weather's crummy, of course, we play up divorce."

Vancouver lawyer Carey Linde was hauled onto the B.C. Law Society's carpet earlier this year when he took out controversial ads to alert women that time was running out on their chance to seek damages from the U.S. manufacturer of the Dalkon Shield intra-uterine birth-control device.

The Linde case has become widely cited in

Cont'd on p. 7



## Issues raised by AIDS

Cont'd from p. 3

mentally able to make decisions about their treatments later on.

The will directs health-care workers to modify treatment, or end it altogether.

That issue is particularly pertinent for people whose immune systems are destroyed by the HIV (the new name for what used to be called HTLV-III) virus, which causes AIDS, because 40 per cent of those patients will also develop brain disease and become prematurely senile as a result.

"It's very hard for health-care professionals to accept a 24-year-old's decision to die versus that of an 80-year-old patient," Somerville explained.

The phenomenon of AIDS, the name for a syndrome in which opportunistic diseases invade the body after the immune system is destroyed, "presents very stark issues. It's attacking and killing young people - and we're not used to seeing that," she added.

The idea of trying to answer ethical and legal questions arising from health care isn't new. David Roy, a former Roman Catholic chaplain and a biomedical ethicist, has done work in this area in Montreal since the opening of the Centre for Bioethics 10 years ago.

The Westminster Institute in London, Ont., also considers some of the same questions, but nowhere else in Canada is there such an interdisciplinary team available to consider questions like euthanasia, the right to refuse medical

treatment, the confidentiality of medical records or a patient's ability to choose a form of treatment.

"That's one of the reasons the centre was set up," Somerville said.

"Anyone can get the opinion of a lawyer, a doctor, even of an ethicist or a sociologist, but we're offering that combined expertise. What we're really offering is an integrated decision."

With doctors' growing reliance on medical technology coupled with administrator's need to cut costs, there's an increasing appetite for help in making those tough decisions.

A national survey of health-care education published last year found that most doctors, nurses and other care providers aren't given nearly enough guidance or training in ethics and simply don't know what to do when faced with a medical situation fraught with legal or ethical consequences.

Since half of the centre's annual budget is being provided by the six major teaching hospitals associated with McGill, the new centre will devote most of its time and energy to answering hospital concerns, said Dr. Richard Cruess, dean of medicine at McGill.

Cont'd on p. 8

# LSR COFFEEHOUSE

wed. october 22  
featuring live  
music, food  
and drinks  
7pm to midnight  
common room



## Law - American Style Cont'd from p. 5

legal circles because it shows advertising can be used to pursue a worthwhile issue, and not just to drum up business.

Before it was finally pulled from the market in the late 1970s, the Dalkon Shield was blamed for high rates of sterility, pelvic inflammatory disease and infections among its users.

Women's groups and lawyers in the U.S. gathered victims in the early 1980s for the first class-action lawsuits against A.H. Robbins, manufacturer of the device.

The most recent calculations indicate more than 315,000 women are seeking damages totalling several billion dollars against Robbins which, after paying out \$520 million to settle just 9,500 claims by last year, petitioned the U.S. courts for bankruptcy protection.

A U.S. district court judge agreed to a company request for an April 30 cutoff point for damage claims.

Robbins spent more than \$3 million in a court-ordered U.S. advertising campaign to alert its customers that they could file for damages before April 30. But the company sent only a \$5,000 information kit for Canada, where an estimated 100,000 women have been victims of the IUD.

So Linde advertised, alerting woman that the deadline was approaching.

Two things happened. First, 450 women answered the ads.

Second, the Law Society accused Linde of "ambulance chasing," the ultimate insult for lawyers, conjuring visions of sleazy characters tramping up lawsuits with still-bleeding accident victims.

"I told (the Society) I wasn't chasing the ambulance, I'm calling the damned ambulance," said Linde.

"Canadian women didn't know they had specific rights in this matter, rights which were about to be cut off by an American court. My ads brought this to their attention," he said.

At the core of the advertising issue across the country is the reluctance of some in the legal profession to abandon their belief that they are members of a learned calling, one which just doesn't indulge in self-promotion in public.

But oversupply is now a cruel fact in the law business, and hustling is becoming a way of life.

"Nobody wants to be out on the leading edge looking foolish. Like good lawyers, we're taking a nice middle-of-the-road stand for now, to try to make sure we hit right in the middle of the herd: not too flamboyant, but not dull."

(Norman Provencher is a reporter with The Ottawa Citizen.)



## In Defense of Indigestion

by Teresa Scassa

There are two sides to every issue, and its only fair that someone should spread the mayonnaise on the other half of the cafeteria bun. So this article shall speak on behalf of the cafeteria food, which, although it may be able to walk away on its own, has not yet learned to speak.

There are so many things that can be said for the cafeteria food. Sure, the meat is a funny colour, but student's have been complaining that there hasn't been enough "Grey" around the faculty. As for the coffee, well it's bad for you anyway, and the stuff in the caf is a good reminder. Nobody can possibly gain weight on cafeteria food. And stale bread eventually becomes penicillin. Lives may be saved.

Well, that should give critics of the cafeteria something to chew on. What's their beef anyway? As one flake noted tenderly while gnawing at a recent pastry, "institutional food is institutional food." And we are institutionalized, aren't we?



Health- ethics centre  
Cont'd from p. 6

Medical students at McGill have been taught ethics for more than 10 years, Cruess said, but the field of biomedical ethics is still very new.

"There are lots of untested ideas," he said. Through research projects, the new centre hopes to present new options and test present theories."

"All health-care professionals need this kind of advice - nurses, doctors, medical administrators. What do you do when you need to improve your hospital's intensive-care unit but you're trying to deal with a budget deficit and you need to expand your home dialysis program? How do you decide?"

The centre will also be doing research and Cruess expects "important, new and influential articles" to be published regularly as a result.

Projects under way include trying to determine how and when mentally retarded children should be included in regular schools and a study of what some doctors call "defensive medicine": the practice of ordering tests or treatments out of fear a patient will sue for malpractice if something goes wrong.

# Words Of Wisdom

Reproduced from the book  
**Court Jesters** by Peter V.  
**MacDonald, Q.C.**

John N. Conroy, Q.C. of Saskatoon, ninety-one years young, is a retired lawyer who practised for over fifty years in North Battleford, Saskatchewan. A colourful, legendary figure in legal circles, Mr. Conroy could always be counted on to say something humorous, in person or in print. Once, representing a client who had allegedly sold an impotent bull, he held up the proceedings for some time by insisting that his opponent supply particulars which would enable him to assess his client's position - such information as the kind of surroundings provided for the bull's romantic intervals, the kind of food served to the bull and the kind of music played for him.

Another time, after skirmishing with a cranky judge, he was asked by His Honour: "Mr. Conroy, are you trying to show your contempt for this court?"

"No," he replied, "I'm trying to conceal it."

Magistrate Martin Haley, sitting in Dartmouth, Nova Scotia, listened skeptically to the story of a witness who declared, "If I'm telling a lie, may God strike me with lightning!"

"Hit the deck!" shouted Haley, as he ducked under his desk.

## Stupid Questions

(For SAO's Ann and Maria)

You remember the person who was there. Was there a person or was it simply some sort of secretary that you were signing these in front of?

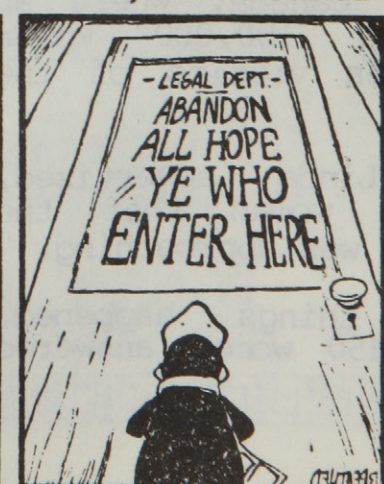
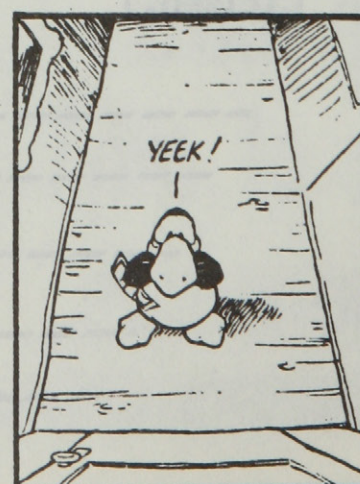
"The twenty-fourth of December - was that the day before Christmas?"

Q: Were you acquainted with the deceased?

A: Yes.

Q: Before or after he died?

Bloom County



By Berke Breathed